

# MAJORITY REPORT

## RESOLUTION OF THE ZONING CODE COMMISSION

MAY 11, 2011

### BACKGROUND

**A.** In May 2007, Philadelphia voters overwhelmingly approved an amendment to the City of Philadelphia Home Rule Charter to create a Zoning Code Commission (“Commission”) to reform and modernize Philadelphia’s outdated and complex zoning code.

**B.** Under Home Rule Charter Section 4-1300(a)(1), the Commission is charged with the following duties:

*[To] conduct a comprehensive analysis of and make recommendations regarding reforms to the Philadelphia Zoning Code ...analyze the Zoning Code to determine each section’s intent, its impact on residential, commercial and industrial development, the costs associated with the Zoning Board of Adjustment including its current caseload and whether the Code may be consolidated or simplified to make it more consistent and easy to understand and to reduce the number of appeals to the Zoning Board of Adjustment while still maintaining community input and neighborhood controls... [and] ...compare the Zoning Code to the zoning code in jurisdictions that have experienced growth in residents and businesses....*

**C.** The Commission has been guided by the goals set forth in Home Rule Charter Section 4-1300(a)(1):

*Philadelphia’s Zoning Code should be consistent and easy to understand, should help shape future construction and development, and should enhance and improve Philadelphia’s development approval process while encouraging positive development and protecting the character of Philadelphia’s neighborhoods.*

**D.** In the course of its work, the Commission has held 45 public meetings, two public hearings in City Council chambers, 36 community-based meetings; seven Stakeholder X-Changes, two public meetings to discuss why the Commission adopted, rejected, or modified a group’s proposal, attended dozens of community meetings where it has explained the Commission’s work and possible changes to Philadelphia Zoning Code, and has received comments from members of the public about proposed changes to the Zoning Code.

**E.** The Commission has interviewed 125 professional zoning code users and surveyed nearly 2,000 individuals on components of the proposed new zoning code.

**F.** Over the past 24 months the Commission has released for public review several documents about the old zoning code and the proposed new zoning code, and drafts of the proposed new zoning code, including:

Analysis of the Current Zoning Code  
Best Practices Report  
Recommendations for the New Zoning Code  
Module 1 – Administration and Procedures  
Module 2 – Districts and Uses  
Module 3 – Development Standards  
Consolidated Draft  
Referral Draft  
Referral Draft version 2  
Draft Preliminary Report

The Commission has received public comments on each of these publications.

**G.** Section 4-1300(b) of the Home Rule Charter requires:

*[O]n or before June 30, 2011 ...the Commission shall by a vote of two-thirds of all members of the Commission adopt a written preliminary report containing specific recommendations solely related to proposed changes to the Philadelphia Zoning Code, including drafts of all legislation required to implement the Zoning Code Proposals (the Preliminary Report), and recommendations, including a timetable and specific milestones, on how to proceed with a comprehensive revision of the City’s zoning maps (Zoning Map Revision Plan).*

**H.** On May 6, 2010, Philadelphia City Council passed resolution 1000332, which extended the deadline for the Commission to submit its preliminary report until June 30, 2011.

**I.** On March 2, 2011, the Commission voted to approve a “Draft Preliminary Report” and to seek further public comment about the proposed new zoning code.

**J.** Since March 2, 2011, the Commission has further revised the draft new zoning code based on its meetings with interested groups and additional comments it has received about the proposed new zoning code.

**THEREFORE**, the Zoning Code Commission now resolves:

**1.** Pursuant to Section 4-1300(b) of the Home Rule Charter, the Commission adopts the written Preliminary Report set forth in **Exhibit A** to this resolution, which contains specific recommendations solely related to proposed changes to the Philadelphia Zoning Code and recommendations, including a timetable and specific milestones, on how to proceed with a comprehensive revision of the City’s zoning maps.

**2.** The Commission's approval of the Preliminary Report is subject to the Commission's further editing the Preliminary Report to create a Residential Two-family Attached-1 (RTA-1) zoning district not already reflected in the Preliminary Report. The Commission, together with Commission staff, shall work expeditiously to complete the edits no later than May 23, 2011.

**3.** The Executive Director of the Commission is authorized and directed to deliver the Preliminary Report as edited under Section 2 above to City Council on or before May 27, 2011.

# Minority Report

## Proposed Amendment to Draft of Legislation Required to Implement the Zoning Code Proposals

Proposed additions in **Bold**  
Proposed deletions in ~~Strikethrough~~

SECTION 4. Effective date. This ordinance shall ~~take effect one hundred and eighty (180) days after the bill becomes law~~ **not become effective in any individual planning district of the City until the final zoning map revisions for such individual planning district have been approved by ordinance**; provided, however, that:

~~————(1) With respect to any complete application for a zoning permit filed or pending ninety (90) days or more after this bill becomes law, the applicant, at the applicant's option, may request that the application be reviewed and considered in its entirety under the terms of this Ordinance, and this Ordinance, in its entirety, shall be considered effective upon the date of such request, for purposes of such application only.~~

(21) With respect to any complete application for a zoning permit filed prior to this Ordinance taking effect, ~~with respect to which the applicant does not request the optional review provided for in subsection (1) above,~~ but with respect to which a final decision by the Department of Licenses and Inspections, the Zoning Board of Adjustment or any other City agency is not issued until after this Ordinance takes effect, the application shall be reviewed and considered in its entirety by the Department, the Board or any other agency as if this Ordinance had not yet taken effect.

(32) Commencing on the date this bill becomes law, all departments, offices, boards and commissions of the City are authorized and directed to take such steps as may be necessary, including promulgation of regulations, to prepare for implementation, administration, and enforcement of this Ordinance.